

All City Council Meetings are recorded.

**CITY OF CUSTER CITY  
COUNCIL AGENDA  
April 2<sup>nd</sup>, 2018 – City Hall Council Chambers  
5:30 P.M.**

1. Call to Order - Roll Call - Pledge of Allegiance
2. Approval of Agenda
3. Approval of Minutes – March 19<sup>th</sup>, 2018 Meeting and March 19<sup>th</sup>, 2018 Board of Equalization Meeting Minutes
4. Declaration of Conflict of Interest
5. Public Presentations - Public Hearings – Public Comments
  - a. Public Hearing & First Reading – Ordinance #802 – Residential District
  - b. Public Hearing & First Reading – Ordinance #803 – Zoning, Rezoning & Zoning Ordinance Amendments
  - c. Public Hearing & First Reading – Ordinance #804 - Variances
  - d. Public Hearing & First Reading – Ordinance #805 – Conditional Use Permits
  - e. Public Hearing & First Reading – Ordinance #806 – Board of Adjustment
  - f. Executive Proclamation – National Service Recognition Day
  - g.
6. Old Business
  - a.
  - b.
7. New Business
  - a. Run Crazy Horse Marathon Request – Emily Wheeler
  - b. Downtown Hanging Baskets
  - c.
  - d.
  - e.
8. Presentation of Claims –
9. Department Head Discussion & Committee Reports –
10. Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2)
11. Adjournment

**REMINDERS**

- General Government Committee Meeting – April 9<sup>th</sup>, 2018 4:30 P.M.  
Planning Commission Meeting – April 10<sup>th</sup>, 2018 5:00 P.M.  
Regular City Council Meeting – April 16<sup>th</sup>, 2018 5:30 P.M.  
Park & Recreation Committee Meeting – April 17<sup>th</sup>, 2018 5:30 P.M.  
Public Works Committee Meeting – May 7<sup>th</sup>, 2018 4:30 P.M.  
Regular City Council Meeting – May 7<sup>th</sup>, 2018 5:30 P.M.**

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.



**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
March 19<sup>th</sup>, 2018**

Mayor Corbin Herman called to order the second meeting of the Common Council for the month of March 2018 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, Nielsen, Fischer, Blom and Arseneault. City Attorney Chris Beesley was present. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Fischer moved, with a second by Councilperson Blom, to approve the agenda. The motion unanimously carried.

**MINUTES**

Councilperson Nielsen moved, with a second by Councilperson Arseneault, to approve the minutes from the March 5<sup>th</sup> regular council meeting, March 12<sup>th</sup> special council meeting and March 15<sup>th</sup> special council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**REQUEST TO OPERATE PEDICAB – TOMMY HEGERFELD**

Councilperson Maciejewski moved to approve Tommy Hegerfeld's request to operate a pedicab pending proof of insurance being provided. Motion was seconded by Councilperson Nielsen. After some discussion, Councilperson Maciejewski amended his motion to state that the pedicab be allowed to operate in the Central Business District for 1 year starting April 1<sup>st</sup>, 2018, pending proof of insurance being provided in the amount of \$500,000 general liability and \$100,000 property. Seconded by Councilperson Fischer, the motion unanimously carried.

**WAY PARK USAGE REQUEST - KIRKHAM**

Councilperson Fischer moved to table the Way Park usage request until the April 2<sup>nd</sup> meeting. Seconded by Councilperson Arseneault, the motion unanimously carried.

**BID BOARD AGREEMENT WITH HOMESLICE**

Councilperson Maciejewski moved to table the BID Board agreement with HomeSlice until representation from the BID Board and HomeSlice could be in attendance. Seconded by Councilperson Heinrich, the motion unanimously carried.

**BID BOARD GENERAL MANAGER POSITION**

Councilperson Nielsen moved to table the BID Board General Manager Position until representation from the BID Board could be in attendance. Seconded by Councilperson Heinrich, the motion unanimously carried.

**PRELIMINARY PLAT – STONE HILL SUBDIVISION**

Councilperson Fischer moved to approve the preliminary plat of Stone Hill Subdivision. Second by Councilperson Arseneault, the motion unanimously carried.

**FINAL PLAT – BUSSKOHL-JENNIGES SUBDIVISION PHASE I**

Councilperson Nielsen moved to approve the final plat of Busskohl-Jenniges Subdivision Phase I. Second by Councilperson Blom, the motion unanimously carried.

**FINAL PLAT – TRACT WILLIAMSON REVISED OF NEEDLES VIEW SUBDIVISION & WILLOW CREEK TRACT**

Councilperson Fischer moved to approve the final plat of Tract Williamson Revised of Needles View Subdivision & Willow Creek Tract. Seconded by Councilperson Blom, the motion unanimously carried.

**PLANNING COMMISSION MEMBER RESIGNATION**

Councilperson Maciejewski moved to accept Craig Walz's resignation from the Planning Commission and thanked him for his years' service. Seconded by Councilperson Heinrich, the motion unanimously carried.

**ASPHALT SURFACE TREATMENT BIDS**

Councilperson Heinrich moved to accept the bid from Simon Contracting for the 2018 asphalt surface treatment project with a bid price of \$38,516.72 (\$2.53/unit) for CRS-2P Asphalt Emulsion, \$45,651.45 (\$79.95/unit) for cover aggregate and \$13,319.60 (\$2.80/unit) for CSS-1h fog seal for a total of \$97,487.77. Seconded by Councilperson Fischer, the motion carried with Councilperson Heinrich, Nielsen, Fischer, Blom, Arseneault and Maciejewski voting yes.

**FOURTH OF JULY CELEBRATION REQUEST – COURTHOUSE MUSEUM**

Councilperson Maciejewski moved to approve the Fourth of July Celebration request from the Courthouse Museum for closure of Fourth Street from Mt Rushmore Road to the north alley, to be utilized by food vendors, from July 1<sup>st</sup> through July 4<sup>th</sup>, 2018 and allow the Skate Park to be utilized on July 4<sup>th</sup> for parade assembly. Seconded by Councilperson Arseneault, the motion unanimously carried.

**TRANSPORTATION ALTERNATIVES PROJECT WORK ORDER AMENDMENT #1**

Councilperson Heinrich moved to approve the work order amendment #1 for the Transportation Alternatives Project (Eleventh Street bridge & trail) for \$11,670 due to an environmental study. Seconded by Councilperson Maciejewski, the motion carried with Councilperson Nielsen, Fischer, Blom, Arseneault, Maciejewski and Heinrich voting yes.

**ANNUAL REPORT**

Councilperson Heinrich moved to acknowledge the 2017 annual report. Seconded by Councilperson Maciejewski, the motion unanimously carried.

**CLAIMS**

Councilperson Maciejewski moved, with a second by Councilperson Blom, to approve the following claims. The motion carried unanimously.

A & B Electric, Repair & Maintenance, \$104.60  
AE2S, Professional Fees, \$25,420.41  
Black Hills Energy, Utilities, \$7,215.42  
Butler Machinery, Supplies, \$10,269.98  
California State Disbursement, Deduction, \$53.19  
Culligan, Repair and Maintenance, \$18.50  
Custer Area Economic Development, Subsidy, \$10,000.00  
Chamber of Commerce, Sales Tax Subsidy, \$5,099.78  
Custer Industrial, Repair and Maintenance, Supplies, \$12.70  
Dakota Supply Group, Supplies, \$223.41  
Discovery Benefits, Supplies, \$25.00  
Fastenal, Supplies, \$114.86  
French Creek Supply, Supplies, Repair and Maintenance, \$1,267.12  
First Interstate Bank, Supplies, \$24.95  
Golden West Technologies, Professional Fees, \$1,621.00  
Golden West Telecommunications, Professional Fees, \$610.58  
Hawkins, Supplies, \$5,462.53  
Itron, Supplies, \$822.63  
Jenner Equipment, Repair and Maintenance, \$191.52  
Lynn's Dakotamart, Supplies, \$15.98  
McClellan, Bill, Reimbursement, \$75.73  
Midcontinent Testing Labs, Professional Fees, \$108.00  
Nelson's Oil & Gas, Supplies, \$1,575.23  
Northwest Pipe Fittings Inc, Supplies, \$707.35  
Petty Cash, Supplies, \$90.00  
Pitney Bowes, Supplies, \$48.69  
Quill, Supplies, \$153.89  
Rancher's Feed & Supply, Supplies, \$1238.55  
Rapid Delivery, Professional Fees, \$95.15  
Regional Health Network, Sales Tax Subsidy, \$27,463.31  
SD Municipal League, Conference, \$50.00  
SD Association of Rural Water Systems, Dues, \$700.00  
SD BIT, Utilities, \$55.50  
SD Dept of Criminal Investigation, Safety, \$86.50  
SD Public Assurance Alliance, Insurance, \$38,945.79  
Servall, Supplies, \$165.02  
Southern Hills Fire & Safety, Safety, \$559.50  
SD Secretary of State, Supplies, \$50.00  
USA Bluebook, Repair and Maintenance, \$3,385.78  
USDA Loan Payments, \$8,910.00  
Verizon Wireless, Utilities, \$466.14  
Wright Express, Supplies, \$1,057.27  
Rodarte, Albert, Refund, \$100.00  
Total Claims 154,661.56

**DEPARTMENT HEADS & COMMITTEE REPORTS**

Various committee reports were given in addition to department heads giving an update.

**ADJOURNMENT**

With no further business, Councilperson Arseneault moved to adjourn the meeting at 6:25 p.m. Seconded by Councilperson, Heinrich, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor

**CITY OF CUSTER CITY  
BOARD OF EQUALIZATION  
MARCH 19<sup>th</sup>, 2018**

Mayor Corbin Herman called to order the Board of Equalization meeting at 4:30 p.m. Present were Councilpersons Maciejewski, Heinrich, Nielsen, Blom, Arseneault, School Board Representative Heather Grace and Director of Equalization Patty Caster along with appraisers Julie Jenniges and Amanda Pierce from the Equalization Office. The Pledge of Allegiance was stated.

**DECLARATION OF CONFLICT OF INTEREST**

No conflicts of interest were stated.

**APPEAL APPLICATIONS**

- 1.) David Busskohl ~ DOE# 013982. Councilperson Maciejewski moved to evaluate the property at \$16,000 with the NA-D1 (dwelling) to be valued at \$6,400 and the NAD (land) to be valued at \$9,600. The motion was seconded by Councilperson Arseneault and carried unanimously with Councilpersons Heinrich, Nielsen, Blom, Arseneault, Maciejewski and School Board Representative Grace voting yes.
  
- 2.) Shopko Stores Operating Co., LLC ~ DOE# 013791. Councilperson Maciejewski moved to take no action and accept the assessed value of NA-DC \$33,098 and NA-DC2 \$1,976,820 for a total of \$2,009,918. Seconded by Councilperson Heinrich, the motion carried unanimously with Councilpersons Maciejewski, Heinrich, Nielsen, Blom, Arseneault and School Board Representative Grace voting yes.

**STIPULATIONS APPROVAL**

There were no stipulations to approve.

**ACKNOWLEDGEMENT OF REAL PROPERTY ASSESSMENT LIST**

Councilperson Heinrich moved to acknowledge the real property assessment list provided by the DOE with the above changes made. Seconded by Councilperson Nielsen, the motion carried unanimously.

**ADJOURNMENT**

School Board Representative Grace moved to adjourn the meeting at 5:10 PM. Seconded by Councilperson Maciejewski, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Lisa Trana  
Deputy Finance Officer

Corbin Herman  
Mayor

ORDINANCE NO. 802

An Ordinance entitled an Ordinance Amending Chapter 17.12 Residential District, of the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.12 Residential District be amended as follows:

Chapter 17.12  
RESIDENTIAL DISTRICT (R)

Sections:

- 17.12.010 Intent
- 17.12.020 Definitions
- 17.12.030 Permitted principal uses and structures
- 17.12.040 Permitted accessory uses and structures
- 17.12.050 Permitted conditional uses
- 17.12.060 Prohibited uses and structures
- 17.12.070 Home Occupations
- 17.12.080 Restrictions and requirements

17.12.010 Intent.

The intent of the residential district (R) is to provide for residential uses of varying types and other compatible land uses in a pleasant and stable environment. (Ord. 432 (part), 1995)

17.12.020 Definitions.

“Boardinghouse” means any structure in which one or more rooms are rented by one or more people with a shared common area, lodging and meals may be provided for paying or nonpaying guests.

“Home Occupation” means the conducting of a business in a residential structure. The home occupation is an accessory practice and customarily non-residential use conducted within or administered from a portion of the primary home or its accessory structures.

“Long Term Rental” means the rental of any structure, or any portion of any structure, located within the residential zoning district on long term monthly or yearly basis, for lodging or sleeping purposes for more than thirty (30) consecutive calendar days. For the purpose of this definition, structures shall include all housing types including detached single-family residences, lofts, apartments, guest cottages and cabins, condominiums, duplexes, triplexes, townhomes, and multifamily dwellings.

“Multiple Family Dwelling” means two (2) or more separate housing units that exist on a single lot or tract. The housing units are contained within one or more structures. Multiple Family Dwellings include but are not limited to apartments, duplexes, triplexes, quadplexes, condominiums, guest cottages and cabins, and multiple single-family dwellings.

“Short-term rental” means the rental of any structure, or any portion of any structure to any one party, entity or individual, on a nightly or day-to-day basis for lodging or sleeping purposes for less than thirty (30) consecutive calendar days. Such rental to any party, entity or individual for less than thirty (30) consecutive days shall be considered transient in nature. For the purpose of this definition, structures shall include all housing types including detached single-family residences, lofts, apartments, guest cottages and cabins, condominiums, duplexes, triplexes, townhomes, and multifamily dwellings.

“Single family dwelling” means a structure in which one (1) housing unit is contained within the structure. The structure exists on one common lot. The unit shall provide complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Townhouse” means a structure constructed with a continuous roof and foundation containing two (2) or more attached dwelling units in which each unit extends from the foundation to roof with open space on at least two sides. Each separate unit exists on individually platted townhouse lots separated by a common lot line and a common separation wall between each unit.

**17.12.030 Permitted principal uses and structures.**

The following principal uses and structures shall be permitted in residential districts (R):

- A. Single family dwellings
- B. Townhouse
- C. Manufactured homes in accordance with section 17.40 of this code
- D. Long Term Rentals
- E. Home Occupations in compliance with section 17.12.070 of this code. (Ord. 432 (part), 1995)

**17.12.040 Permitted accessory uses and structures.**

The following accessory uses and structures shall be permitted in residential districts (R):

- A. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within space limits of this district. No accessory structure shall be built, erected, or constructed prior to the establishment of the principal structure. (Ord. 432 (part), 1995)

**17.12.050 Permitted conditional uses.**

After the provisions of this title relating to permitted conditional uses have been fulfilled, the city council may permit as permitted conditional uses in residential districts (R):

- A. Boardinghouses, and short-term rentals;
- B. Multiple-family dwelling;
- C. Churches, synagogues and temples;
- D. Colleges and universities;
- E. Convalescent, nursing and rest homes;
- F. Home occupations not complying with the guidelines as defined in section 17.12.070 of this code;
- G. Governmental services;
- H. Commercial Horticultural uses and the raising of crops that exceed 192 square feet;
- I. Medical and other health facilities;
- J. ~~Mobilehomes under conditions prescribed in Section 1208 of the Custer City comprehensive plan of this title;~~
- J. Mobile home court in accordance with Section 17.36 of this code.
- K. Childcare, Nursery, primary, intermediate and secondary schools;
- L. Public recreational and park facilities;
- M. Utility substations. (Ord. 434 (part), 1995; Ord. 432 (part), 1995)

**17.12.060 Prohibited uses and structures.**

All other uses and structures which are not specifically permitted or not permissible as permitted conditional uses shall be prohibited from the residential district.

Home occupations in which the home occupation utilizes more than twenty-five (25) percent of the total area of the lot, tract, or parcel in which the home occupation is located shall be prohibited.

**17.12.070 Home Occupations**

Home occupations shall be permitted in the residential zone, provided the home occupation complies clearly and obviously with the following requirements:

- A. Such use must be incidental and subordinate to the main use or dwelling unit for residential purposes.
- B. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to a person's normal senses while upon the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation nor shall any storage of materials or equipment be permissible outside the dwelling or structure(s).
- D. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate

to its use for residential purposes by its occupants and shall utilize not more than twenty-five (25) percent of the total structure area of the property.

E. All parking is limited to off street parking only.

#### 17.12.0680 Restrictions and requirements.

All structures, land and uses in the residential district (R) shall be in compliance with the following restrictions and requirements:

A. Minimum Lot Requirements. The minimum lot area per single-family dwelling unit shall be seven thousand five hundred (7,500) square feet. The minimum lot width shall be fifty (50) feet. Exception: Dwellings on small lots. Where there is an existing recorded lot which does not meet the minimum lot area requirement, and said lot is not contiguous with other lots under the same ownership, a single-family dwelling may be maintained, continued, constructed or reconstructed provided that one (1) side yard shall not be less than four feet (4) and the sum of the side yards shall not be less than ten feet (10), and provided that all other requirements, except lot size are met.

B. Minimum Yard (Setback) Requirements. There shall be a front yard of not less than a depth of twenty-five (25) ~~thirty (30)~~ feet. There shall be a rear yard of not less than a depth of twenty-five (25) feet. Each side yard shall not be less than a depth of six (6) feet. Unattached buildings of accessory use may be permitted to allow a rear yard depth of not less than twelve (12) feet. Accessory structures shall comply with the standard front and side yard setback requirements. All setbacks shall be measured from the platted property line.

C. Minimum Dwelling Size. The minimum single-family dwelling size shall not be less than six hundred (600) square feet.

Exception: New dwellings on small lots. Where there is an existing recorded lot which does not meet the lot area requirements (seven thousand five hundred (7500) square feet) and said lot is not contiguous with other lots under the same ownership, a single-family dwelling may be permitted to be constructed with a minimum dwelling size not less than four hundred (400) square feet.

D. Maximum Height. The height of all buildings and structures shall not exceed thirty-five (35) feet.

E. Townhouse Requirements

1. Proposed individual townhouse lot line(s) for a townhouse shall be submitted on a site plan and approved prior to issuance of a building permit. Following the start of construction, the final location of individual townhouse lots shall be determined and platted.

2. In order to permit openings in exterior walls, each townhouse structure and its appendage and projections shall have a minimum six-foot setback from individual lot lines which are not common to other individual lots, unless approved otherwise in a planned development or in a use on review permit.

3. Townhouses shall have a six-foot exterior maintenance easement on either side of a common lot line to provide adequate room for maintenance, repair and alterations.

4. Lot Size. The minimum lot area per townhouse unit shall be five thousand (5,000) square feet if the unit shares one (1) common wall. The minimum lot area per townhouse unit shall be two thousand five hundred (2500) square feet if the unit contains two (2) common walls. There shall be no minimum lot size of a townhouse development lot or an individual townhouse lot. However, all applicable setback, density and open space requirements of this chapter must be met.

5. Minimum Yard (Setback) Requirements. There shall be a front yard of not less than a depth of twenty-five (25) feet. There shall be a rear yard of not less than a depth of twenty-five (25) feet. Each side yard not containing a common townhouse lot line shall not be less than six (6) feet. Unattached buildings of accessory use may be permitted to allow a rear yard depth of not less than twelve (12) feet. Accessory structures shall comply with the standard front and side yard setback requirements. All setbacks shall be measured from the platted property line.

6. Minimum Unit Size. The minimum unit size shall not be less than six hundred (600) square feet.

7. Maximum Height. The height of all townhouse units shall not exceed thirty-five (35) feet.

8. Open Space Requirements. Individual townhouse lots shall have land area in addition to the area upon which the structure is built. Each individual townhouse lots shall have a minimum of four hundred (400) square feet of open space. Open space does not include driveways, parking or service areas

- F. Sanitation. All occupied structures shall be connected to municipal sewer and water facilities.
  - G. **Off-Street Parking.** Off street parking shall be provided per the following.
    - 1. Single Family Dwelling – One (1) parking space
    - 2. Townhouse – One (1) parking space per unit.
    - 3. Short Term Rental – On Street parking shall be prohibited.
- (Ord. 434 (part), 1995; Ord. 432 (part), 1995)

Dated this 5<sup>th</sup> day of February, 2018.

City of Custer City

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Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: ~~January 16, 2018~~

Vote:

Second Reading: ~~February 5, 2018~~

Arseneault: ~~Absent~~

Maciejewski: ~~Yes~~

Publication: ~~February 14, 2018~~

Heinrich: ~~Yes~~

Nielsen: ~~Yes~~

Fischer: ~~Absent~~

Blom: ~~Yes~~

ORDINANCE NO. 803

An Ordinance entitled an Ordinance Amending Chapter 17.44 Zoning Board of Adjustment, of the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.44 Zoning Board of Adjustment be amended as follows:

**Chapter 17.44**

**17.44 Zoning, Rezoning, and Zoning Ordinance Amendments**

**Sections**

**17.44.010 Previous Code Repealed**

**17.44.020 Definition of Terms**

**17.44.030 Purpose**

**17.44.040 Zoning Amendments Application and Fees**

**17.44.050 Procedures for Review of an Application**

**17.44.060 Considerations for Approval or Denial**

**17.44.070 Protests to a Proposed Zoning Ordinance**

**17.44.040 Procedures for review of an Application**

**17.44.050 Considerations for Approval or Denial**

**17.44.10 Previous Code Repealed**

Pursuant to SDCL 11-4, Custer Municipal Code 17.08.040(E) is repealed and all zoning ordinances shall only be adopted or renewed by procedures set by codified law or ordinance.

**17.44.020 Definition of Terms**

The definitions set forth in SDCL 11-6-1 shall be applicable to Title 17 of the Custer City Municipal Code.

**17.44.030 Purpose**

The purpose of this section shall be to provide a process and procedure for review of requests for a new zoning ordinance, a change to the current official zoning ordinances or a change to the official zoning map of the City of Custer City. Adoption of a zoning ordinance shall be completed by the City Council with recommendation from the Planning Commission.

#### **17.44.040 Zoning Amendments Application and Fees**

- A. Applications: any person, firm, or corporation may apply for a change or amendment to the zoning by completing an application provided by the City and returned to the Planning Administrator. The completed application shall illustrate:
1. The current zoning district in which the property is currently located.
  2. The current and proposed use of the area included in the proposed zoning.
  3. The current zoning and use of the land directly adjacent to and contiguous to the area included in the application.
- B. Fees: Upon filing any application for a change or amendment to the zoning of the city, the applicant shall pay Custer City the appropriate fee(s) as set forth by the Fee Schedule adopted annually by resolution.

#### **17.44.050 Procedures for Review of an Application**

The following shall be the procedures used after the application and the required fees have been submitted to the Planning Administrator:

- A. The Planning Administrator shall review the completed zoning application and determine if approval of the application would be contrary to the intent of the zoning of the city of Custer or negatively affect the continuity of the official zoning map of the city. Additionally, any application not containing and/or addressing all the information required in 17.44.020(A), shall be rejected, and returned to the applicant, along with the fees and the reasons for rejection.
- B. If the Planning Administrator finds the application complies with the application requirements, the Planning Administrator shall present the application to the Planning Commission in a public hearing at the next available scheduled meeting in coordination with the appropriate public notifications. The Planning Administrator shall also present a report indicating the Planning Administrator's recommendation concerning the approval of the application. At the public hearing, any interested person shall be given a full, fair, and complete opportunity to be heard.
- a. Notice of the Planning Commission public hearing shall be given by sign, mail, and newspaper.
    - i. Sign: A sign will be furnished by the Planning Administrator and posted by the Planning Administrator. The sign must be posted in plain public view at the property where the zoning application is requested and must be posted no less than ten (10) days prior to the date of the Planning Commission meeting and must remain posted until final action by the City Council is completed. The sign shall comply with SDCL 11-4-4.4.
    - ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners of the property to be zoned or

rezoned and all property owners within two hundred and fifty (250) feet, exclusive of rights of way and any properties under the same ownership, from any part of the proposed zone or rezone. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administrator shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.

- iii. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the City Council meeting.
- C. After reviewing the application, the Planning Commission shall make recommendations to the City Council to approve or deny the application.
- D. Following the Planning Commission meeting, City Council shall review the zoning application in a public hearing at the next available scheduled meeting in coordination with the appropriate public notifications. At the public hearing, any interested person shall be given a full, fair, and complete opportunity to be heard.
- a. After recommendation is made by the Planning Commission, notice of the City Council public hearing shall be given by sign, mail, and newspaper.
    - i. Sign: A sign will be furnished by the Planning Administrator and posted by the Planning Administrator. The sign must be posted in plain public view at the property where the zoning application is requested and must be posted no less than ten (10) days prior to the date of the City Council meeting and must remain posted until final action by the City Council is completed. The sign shall comply with SDCL 11-4-4.4.
    - ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners of the property to be zoned or rezoned and all property owners within two hundred fifty (250) feet, exclusive of rights of way and any properties under the same ownership, from any part of the proposed zone or rezone. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administrator shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.
    - iii. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the City Council meeting.

- E. The City Council shall issue its decision after consideration of review criteria set forth in section 17.43.050 of this code, Planning Administrator recommendation, Planning Commission recommendation, and all public input.

#### **17.44.060 Considerations for Approval or Denial**

Generally, the approval of any zoning ordinance shall be in harmony with the general purposes and intent of the zoning ordinance and official zoning map. The following are considerations the City Council and Planning Commission may use in determining the approval or denial of a zoning ordinance:

- A. The following conditions shall be met for all ordinances involving the rezoning of a currently zoned property or properties.
  - a. The zoning amendment shall be necessary because of substantially changed or changing conditions of the area.
  - b. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effect result from the amendment.
  - c. The proposed amendment shall be consistent with any large development plans in the area being zoned as well as not in conflict with the comprehensive plan of the city.
- B. The proposed zoning ordinance shall be consistent with the intent of the zoning ordinances of the city.
- C. The proposed zoning ordinance shall be consistent with the official zoning map of the city and refrain from creating discontinuity with the official zoning map.

#### **17.44.070 Protests to a Proposed Zoning Ordinance**

Any protests to a proposed zoning ordinance shall follow the following guidelines:

- A. Any written protests to a proposed ordinance must be filed with the Finance Officer and it must be signed by at least forty (40) percent of the owners of equity in the lots included in any proposed district and the lands within two hundred fifty (250) feet from any part of the proposed district. Any written protest must be filed before the date the ordinance becomes effective pursuant to SDCL 9-19-7.
- B. For purposes of determining who is an owner of equity for a written protest, a corporation is construed to be a sole owner, and if parcels of land are in the name of more than one (1) person, ownership representation is in proportion to the number of signers who join in the petition in relation to the number of owners.
- C. If a written protest has been filed correctly, the ordinance does not become effective unless the ordinance is approved by two-thirds of the City Council.
- D. The protest provisions of this section do not apply to any ordinance regulating or establishing flood plain areas.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance. This Ordinance shall be effective upon passage and publication hereof, as it is necessary for support of the municipal government and its existing public institutions.

Dated this 5<sup>th</sup> day of February, 2018.

City of Custer City

---

Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: January 16, 2018

Vote:

Second Reading: February 5, 2018

Arseneault: Absent

Maciejewski: Yes

Publication: February 14, 2018

Heinrich: Yes

Nielsen: Yes

Fischer: Absent

Blom: Yes



## ORDINANCE NO. 804

An Ordinance entitled an Ordinance Adding Chapter 17.48 Variances to the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.48 Variances be added as follows:

### Chapter 17.48

#### Variances

##### Sections

**17.48.010 Purpose**

**17.48.020 Variance Application and Fees**

**17.48.030 Procedure for Review of an Application**

**17.48.040 Considerations for Approval or Denial**

**17.48.050 Variances to b Non-Transferable**

**17.48.060 Appeals**

**17.48.070 Invalidation of an Approved Variance**

**17.48.080 Reapplication after a Denial**

##### **17.48.010 Purpose**

The purpose of a variance is to allow a deviation from the strict application of the Zoning Ordinances in relation to physical conditions whereby a literal enforcement of the provisions of the zoning ordinance would result in an unnecessary hardship for a property owner. This section shall provide a process and procedure for review of application for a variance. The Board of Adjustment shall approve or deny a variance to the zoning ordinance based on consideration of the review criteria set forth in section 17.48.040 of this code, Planning Administrator recommendation, Planning Commission recommendation, and all public input.

##### **17.48.020 Variance Application and Fees**

- A. Applications: any person, firm, or corporation may apply for a variance. If such person, firm, or corporation is acting as an authorized agent, written authorization consenting to the application shall be provided by the property owner. An application shall be provided by the City and returned to the Planning Administrator. The completed application along with all supporting documentation shall be submitted to the Planning Administrator at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting and shall illustrate:
- a. That special conditions and circumstances exist, which are peculiar to the land, structure, or building involved and, which are not applicable to other lands, structures, or buildings in the same zoning district;

- b. That a literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning ordinance;
- c. that the special conditions and circumstances do not result from the actions of the applicant;
- d. that the granting of the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same district; and
- e. that the grounds for the application is not based on nonconforming uses of neighboring lands, structures, or buildings in the same district.

B. Fees: Upon filing any application for a variance, the applicant shall pay Custer City the appropriate fee(s) as set forth by the Fee Schedule adopted annually by resolution.

#### **17.48.030 Procedures for Review of an Application**

The following shall be the procedures used after an application for a variance and the required fees have been submitted to the Planning Administration:

- A. The Planning Administrator shall review the completed variance application and determine if granting the variance would be contrary to the public interest. Additionally, any application not containing and/or addressing all the information required in 17.48.020(A), shall be rejected, and returned to the applicant, along with the fees and the reasons for rejection.
- B. If the Planning Administrator finds the application complies with the application requirements, the Planning Administrator shall present the application to the Planning Commission in a public hearing at the next available scheduled meeting in coordination with the appropriate public notifications. The Planning Administrator shall also present a report indicating the Planning Administrators recommendation concerning the approval of the application. At the public hearing, any interested person shall be given a full, fair, and complete opportunity to be heard.
  - a. Notice of the Planning Commission public hearing shall be given by sign, mail, and newspaper.
    - i. Sign: A sign will be furnished by the Planning Administrator and posted by the Planning Administrator. The sign must be posted in plain public view at the property where the zoning application is requested and must be posted no less than ten (10) days prior to the date of the Planning Commission meeting and must remain posted until final action by the City Council is completed. The sign shall comply with SDCL 11-4-4.4.
    - ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners of the property to be zoned or rezoned and all property owners within two hundred fifty (250) feet,

exclusive of rights of way and any properties under the same ownership, from any part of the proposed zone or rezone. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administrator shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.

- iii. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the City Council meeting.
- C. After reviewing the application, the Planning Commission shall make recommendations to the Board of Adjustment to approve, approve with conditions, or deny the application.
  - D. Following the Planning Commission recommendation, Board of Adjustment shall review the variance application in a public hearing at the next available scheduled meeting in coordination with the appropriate public notifications. At the public hearing, any interested person shall be given a full, fair, and complete opportunity to be heard.
    - a. After recommendation is made by the Planning Commission, notice of the Board of Adjustment public hearing shall be given by sign, mail, and newspaper.
      - i. Sign: A sign will be furnished by the Planning Administrator and posted by the Planning Administrator. The sign must be posted in plain public view at the property where the variance is requested and must be posted no less than ten (10) days prior to the date of the Board of Adjustment meeting and must remain posted until final action by the Board of Adjustment is completed. The sign shall comply with SDCL 11-4-4.4.
      - ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners within two hundred fifty (250), exclusive of rights of way and any properties under the same ownership, from any part of the property being considered for a variance. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administration shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.
      - iii. The Planning Administration will publish legal notice in the local newspaper at least ten (10) days prior to the Board of Adjustments meeting.

- E. The Board of Adjustment shall issue its decision after consideration of review criteria set forth in section 17.48.040 of this code, Planning Administrator recommendation, Planning Commission recommendation, and all public input. A variance shall be considered approved if the application receives an affirmative vote by two-thirds majority of present voting members of the Board of Adjustment. As a condition of approval, the Board of Adjustment may impose, consistent with the general purpose of the zoning ordinance, appropriate conditions and safeguards to any variance granted.

#### **17.48.040 Considerations for Approval or Denial**

Generally, the granting of any variance shall be in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or be in conflict with the comprehensive plan for development. The following are considered by the Planning Commission and Board of Adjustment for the determination of the approval or denial of a variance:

- A. If the physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the ordinance were to be carried out;
- B. that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same district;
- C. that the conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification or other property substantially similar in use;
- D. that variances shall not be granted to allow conditional uses, nor uses otherwise excluded from the particular district in which requested;
- E. that the granting of the variance will not be detrimental to the public welfare or injurious to other people or property in the area in which the property is located, detrimental effects include but are not limited to impairment of an adequate supply of light and air to adjacent property, negative effect to the flow of vehicle and pedestrian traffic in the public streets, increase the danger of fire;
- F. that because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

#### **17.48.050 Variance to be Considered Valid**

A variance which has been approved by the Board of Adjustment shall be considered valid for only the property, item, subject, topic or issue in which the variance was approved upon

#### **17.48.060 Appeals**

Appeals of a decision of the Board of Adjustment may be taken to the Custer County Circuit Court by any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the City, aggrieved by any decision of the Board of Adjustment, in the manner and form provided by the statutes of the State of South Dakota, in such cases made and provided.

**17.48.070 Invalidation of an Approved Variance**

Any order of the Board of Adjustment granting a variance may be declared invalid by the Board of Adjustment unless substantially completed within two (2) years from the date of such order. The Planning Administrator shall notify the property owner of record upon invalidation of a variance.

**17.48.080 Reapplication after a Denial**

No applicant requesting a Variance whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Board of Adjustment or the Circuit Court shall reapply again before the expiration date of one (1) year from the date of the final action concerning the application. The reapplication for a Variance shall be processed in the same manner as a new application for a Variance.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance. This Ordinance shall be effective upon passage and publication hereof, as it is necessary for support of the municipal government and its existing public institutions.

Dated this 5<sup>th</sup> day of February, 2018.

City of Custer City

\_\_\_\_\_

Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: January 16, 2018

Vote:

Second Reading: February 5, 2018

Arseneault: Absent

Maciejewski: Yes

Publication: February 14, 2018

Heinrich: Yes

Nielsen: Yes

Fischer: Absent

Blom: Yes



## ORDINANCE NO. 805

An Ordinance entitled an Ordinance Adding Chapter 17.52 Conditional Use Permits to the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.52 Conditional Use Permits be added as follows:

### Chapter 17.52 Conditional Use Permits

#### Sections

**17.52.010 Purpose**

**17.52.020 Conditional Use Application and Fees**

**17.52.030 Procedure for Review of an Application**

**17.52.040 Considerations for Approval or Denial**

**17.52.050 Appeals of a Decision of the Planning Commission**

**17.52.060 Amendments to a Conditional Use Permit**

**17.52.070 Reapplication after a Denial**

**17.52.080 Conditional Use Permit to be Non-Transferable**

**17.52.090 Expiration of a Conditional Use Permit**

**17.52.100 Annual Review of Conditional Use Permits**

**17.52.110 Suspension or Revocation of Conditional Use Permits**

#### **17.52.010 Purpose**

Within each zoning district, there are certain uses that are permitted as a conditional use. These listed conditional uses under each district are illustrative of those, which the Planning Commission may approve temporarily, permanently or approve for a specific time interval. Additionally, other conditional uses may be allowed, which are not listed, provided they are not contrary to the overall intent of the Chapter 17 of the Custer Municipal Code.

#### **17.52.020 Conditional Use Application and Fees**

- A. Applications: any person, firm, or corporation may apply for a Conditional Use Permit. If such person, firm, or corporation is acting as an authorized agent, written authorization consenting to the application shall be provided by the property owner. An application shall be provided by the City and returned to the Planning Administrator. The completed application along with all supporting documentation shall be submitted to the Planning Administrator at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting and shall illustrate:

1. A written request pertaining to the proposed use;

2. a complete legal description of the property, maps identifying the property, any diagrams of the property; and
3. a site plan that shall include the following information:
  - a. The proposed land uses and any specific services to be offered;
  - b. all property lines and dimensions of the lot(s);
  - c. the adjacent land use;
  - d. the existing and proposed structures, dimensions, and location of all facilities (i.e. pump stations, gas tanks, etc.);
  - e. the proposed and existing improvements, including septic systems, drain fields, wells, cistern systems, parking and roads;
  - f. the proposed and existing signs and their locations;
  - g. the relationship of the proposed development to the surrounding area.

B. **Fees:** Upon filing any application for a Conditional Use Permit, the applicant shall pay Custer City the appropriate fee(s) as set forth by the Fee Schedule adopted annually by resolution.

#### **17.52.030 Procedure for Review of an Application**

The following shall be the procedures used after an application for a conditional use and the required fees have been submitted to the City:

- A. The Planning Administrator shall review the completed conditional use application and determine if granting the conditional use would be contrary to the criteria set forth in section 17.52.040 of this code. Additionally, any application not containing and/or addressing all the information required in 17.52.020, shall be rejected, and returned to the applicant with the reasons for rejection.
- B. If the Planning Administrator finds the application complies with the application requirements, the Planning Administrator shall present the application along with his/her recommendation concerning the granting of a Conditional Use Permit. The application and recommendation shall be presented in a public hearing at the next regularly scheduled Planning Commission meeting. At the meeting, any interested person shall be given a full, fair, and complete opportunity to be heard.
  - a. After the application is added to the Planning Commission agenda, notice of the application shall be given by sign, mail, and newspaper.
    - i. Sign: A sign will be furnished by the Planning Administration and posted by the Planning Administration. The sign must be posted in plain public view at the property where the conditional use is requested and must be posted no less than ten (10) days prior to the date of the Planning Commission meeting and must remain posted until final action by the

Planning Commission is completed. The sign shall comply with SDCL 11-4-4.4.

- ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners within two hundred fifty (250) feet, exclusive of rights of way and any properties under the same ownership, from any part of the property being considered for a Conditional Use Permit. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administration shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.
- iii. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the Planning Commission's meeting.

C. The Planning Commission shall approve or deny the application following a review of the application in accordance with the requirements set forth in section 17.52.040 of this code. The findings of the Planning Commission shall be documented in a written statement that includes the following;

- a. An explanation of whether the criteria listed in section 17.52.040 of this code has or has not been met. If certain criteria do not apply, an explanation of why it does not comply shall also be provided.
- b. A voting record of the Planning Commission and the date of the Planning Commission's action. This information may be included within the regular meeting minutes of the Planning Commission.
- c. If the action is to deny the application, the reasons for such action shall be stated in the minutes of the meeting and a specific reference shall be made to the requirements not met.

#### **17.52.040 Considerations for Approval or Denial**

Generally, the granting of any Conditional Use shall be in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or be in conflict with the comprehensive plan for development. The following are considerations the Planning Commission may use in determining the approval or denial of a Conditional Use Permit, and supporting documentation may be requested:

- A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided;

- B. that the Conditional Use is consistent with the surrounding area in terms of character and density;
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan;
- D. The proposed use shall be in compliance with all other ordinances.
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
- G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward.
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use.
- I. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

#### **17.52.050 Appeals of a Decision of the Planning Commission**

The Planning Commission's action taken on a conditional use permit may be appealed to the Board of Adjustment by any person aggrieved by the decision. The appeal shall be completed using the procedure set forth in section 17.56 of this code.

#### **17.52.060 Amendments to a Conditional Use Permit**

Amendments to a Conditional Use Permit shall be processed in the same manner as required for a standard Conditional Use Permit.

#### **17.52.070 Reapplication after a Denial**

No applicant requesting a Conditional Use Permit whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Planning Commission shall reapply again before the expiration date of six (6) months from the date of the final action on the petition. The reapplication for a Conditional Use Permit shall be processed in the same manner as a new application.

#### **17.52.080 Conditional Use Permit to be Non-Transferable**

A Conditional Use Permit which has been approved by the Planning Commission is non-transferable and shall be considered valid for only the property and permitted conditional use in which the Permit was approved upon.

#### **17.52.090 Expiration of a Conditional Use Permit**

A Conditional Use Permit which has been approved by the Planning Commission shall expire by limitation and become null and void if;

- A. A transfer of ownership occurs with the property in which the Conditional Use Permit has been granted.
- B. The building, work, or use authorized by such permit is not commenced within one year from the date of the approval. Upon written request to the Planning Administrator and prior to the Conditional Use Permit's expiration date, a one-year time extension for the permit may be granted by the Planning Administrator, subject to the following conditions:
  - a. There was no public objection presented during the public hearing process for the original permit; and
  - b. The land uses for the surrounding properties have not significantly been altered since the original approval date for the permit.

#### **17.52.100 Annual Review of Conditional Use Permits**

The Planning Commission may, at their discretion, require the person requesting a Conditional Use Permit provide the commission a written annual report, onsite review, or that the person requesting the permit attend a Planning Commission meeting, or all the above, on each anniversary date of the approval of the Conditional Use Permit. The annual report, onsite review, or attendee at a commission meeting shall update the commission on the permit holder's compliance with the terms, requirements, and conditions stipulated in the approval of the permit.

#### **17.52.110 Suspension or Revocation of Conditional Use Permits**

If the Planning Administrator finds that at any time that the terms, conditions, or requirements of the Conditional Use Permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, the Planning Administrator shall report this fact to the permittee, landowner, and/or operator, and the Board of Adjustment. The Board of Adjustment may, after conducting a public hearing, of which the permittee, landowner, and/or operator shall be notified, revoke the permit for failure to comply with the terms, conditions, or requirements of the permit.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance. This Ordinance shall be effective upon passage and publication hereof, as it is necessary for support of the municipal government and its existing public institutions.

Dated this 5<sup>th</sup> day of February, 2018.

City of Custer City

\_\_\_\_\_

Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: January 16, 2018

Vote:

Second Reading: February 5, 2018

Arseneault: Absent

Maciejewski: Yes

Publication: February 14, 2018

Heinrich: Yes

Nielsen: Yes

Fischer: Absent

Blom: Yes

ORDINANCE NO. 806

An Ordinance entitled an Ordinance Adding Chapter 17.56 Board of Adjustment to the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.56 Board of Adjustment be added as follows:

**Chapter 17.56**  
**Board of Adjustment**

**Sections**

**17.56.010 Created or Continued**

**17.56.020 Establishment, Membership, and Powers**

**17.56.030 Powers**

**17.56.040 Rules**

**17.56.050 Legal Advisor**

**17.56.010 Created or Continued**

There is hereby created or continued the Board of Adjustment.

**17.56.020 Establishment and Membership**

The members of the Board of Adjustment shall be the Mayor and Common Council. The Mayor shall appoint, subject to the approval of the Common Council, a first and second alternate. If a member of the Board of Adjustment is unable to consider an issue due to absence or conflict of interest, the first alternate, or second alternate, in turn, shall serve in the absent members place. The first and second alternate shall be appointed for a term of three (3) years. The alternates may serve two (2) consecutive terms. Vacancies shall be filled for the unexpired term of any alternates whose term becomes vacant. Each alternate shall be a resident of the City of Custer. Members shall serve without compensation for their duties.

**17.56.030 Powers**

The Board of Adjustment shall have jurisdiction over all matters specifically authorized by codified law or ordinance and shall exercise all powers conferred to in by law or ordinance.

**17.56.040 Rules**

The Board of Adjustment shall adopt and be governed by rules and procedures kept on file in the office of the Planning Administrator.

**17.56.050 Legal Advisor**

The City Attorney shall be the legal advisor for the Board of Adjustment.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance. This Ordinance shall be effective upon passage and publication hereof, as it is necessary for support of the municipal government and its existing public institutions.

Dated this 5<sup>th</sup> day of February, 2018.

City of Custer City

\_\_\_\_\_

Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: January 16, 2018

Vote:

Second Reading: February 5, 2018

Arseneault: Absent

Maciejewski: Yes

Publication: February 14, 2018

Heinrich: Yes

Nielsen: Yes

Fischer: Absent

Blom: Yes

# PROCLAMATION

## CUSTER, SOUTH DAKOTA

*WHEREAS*, The Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities across the country to recognize the impact of service on the Mayor's Recognition Day for National Service on April 3, 2018; and

*WHEREAS*, The Black Hills Senior Companion Program provides healthy older adults part-time stipendiary opportunities to render supportive assistance to individuals requiring assistance completing various daily tasks necessary to maintaining independence, such as grocery shopping, meal preparation, light housekeeping, and providing transportation to doctor's appointments; and

*WHEREAS*, The Black Hills State University's Retired Senior Volunteer Program engages people age 55 and older, in a diverse range of service activities, such as food bank and congregate meal assistance, entertainment, services to hospitals, nursing homes, blood banks, and veterans organizations as well as 25 new volunteers for the Meals on Wheels Program which became part of RSVP in October 2017, and a wide variety of volunteer activities throughout Custer's non-profit; and

*WHEREAS*, Last year, in the Custer area, these programs provided volunteer opportunities for citizens totaling approximately 659 hours of service to the community at large.

*NOW, THEREFORE*, I, Corbin Herman, Mayor of the City of Custer, do hereby proclaim April 2, 2018, as

## National Service Recognition Day

Dated this 2<sup>nd</sup> day of April, 2018

CITY OF CUSTER CITY

\_\_\_\_\_  
Corbin Herman, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Woodward, Finance Officer

(SEAL)



REQUEST TO BE ON AGENDA  
CUSTER CITY COUNCIL MEETING

NAME: Emily Wheeler PHONE #: 605-390-6187

ADDRESS: 8510 Kings Court

MEETING DATE: April 2nd 2018

Council meets on the 1st and 3rd Monday of each month, however if such date follows on a holiday Council will meet the following day.

ACTION REQUESTED (Give a brief summary of the action you would like the Council to take):

Permission to stop vehicles for runners on the Mickelson Trail  
crossings of Montgomery St, Harney, Crook, Mt Rushmore Rd,  
8th St, 7th St, 4th St. on Sunday, Oct. 7th 2018 from  
approx. 9am to 11:30am for the Run Crazy Horse  
Marathon.

REASONS FOR ACTION (Give a detailed account for the reasons you feel the Council should take the above action. Please state the history behind the request and as much information supporting your request as you can. Attach additional sheets if necessary.):

The Run Crazy Horse Marathon events will be in its 8<sup>th</sup> year  
in 2018 & would like to have our course out of Crazy Horse  
Memorial to run South to Custer & ~~the~~ turnaround at approx  
4th Street to finish on Main St. in Hill City. About 1200  
runners participated in 2017. Marathon and Relay runners will  
be approx 250 runners. The Custer portion is mile 8.8 to 12  
of the course.

Have you visited with any staff or committees regarding your request, please state who ( General Government

Committee, Public Works Committee, Planning Commission, Community Development Director, Public Works Director, Finance Officer):

Yes, email to Laurie Woodward, Mayor Herman, Sheriff Wheeler

SIGNATURE Emily Wheeler DATE 3/20/18

This form must be returned to the Finance Office by noon on the Wednesday preceding a regular scheduled meeting.





February 23, 2018

Mayor and Council Members,

We wanted to let you know that Dakota Greens-Custer Greenhouses & Nursery will once again be hanging potted plants throughout town this spring. The Custer Area Chamber of Commerce pays to have the plants watered throughout the summer, but each business is responsible for purchasing their own plants. Each business also determines where the plants are hung at their building.

For further information on when the plants will be delivered please contact Dakota Greens at 605-673-2510. If there are issues with placement of plants at a particular business, please contact them directly.

If you have any other questions please feel free to contact the Custer Area Chamber of Commerce.

Respectfully,

Dolsee Davenport  
Office Manager & Events Coordinator  
Custer Area Chamber of Commerce  
[ddavenport@custersd.com](mailto:ddavenport@custersd.com)  
605-673-2244

CUSTER AREA CHAMBER OF COMMERCE  
PO Box 5018 | Custer, South Dakota 57730 | (605) 673-2244 | 800-992-9818  
[www.custersd.com](http://www.custersd.com) | [info@custersd.com](mailto:info@custersd.com) | Fax: (605) 673-3726

This institution is an equal opportunity provider and employer.



A & B Welding, Supplies, \$133.99  
AE2S, Professional Fees, \$431.75  
American Solutions for Business, Supplies, \$2,047.18  
AFLAC, Insurance, \$588.92  
AFSCME Council 65, Dues, \$86.14  
Battle Mountain Humane Society, Animal Control Contract, \$1000.00  
Beesley Law Office, Professional Fees, \$1,202.50  
Ben Meadows, Tree Removal, \$67.88  
Black Hills Energy, Utilities, \$2,902.29  
Black Hills Towing, Towing Fee, \$200.00  
Butler Machinery, Supplies, \$125.50  
Century Business Products, Supplies, \$208.88  
Custer Dolt Best, Supplies, Repair and Maintenance, \$763.26  
California State Disbursement, Deductions, \$53.19  
Delta Dental, Insurance, \$148.20  
Discovery Benefits, Supplies, \$856.92  
Edwards Enterprises, Cemetery Caretaker Contract, \$5,333.33  
ESRI, Supplies, \$400.00  
EFTPS, Taxes, \$13,982.05  
Fastenal, Supplies, \$871.62  
Kellogg, Scott, Reimbursement, \$111.79  
KLJ, Professional Fees, \$7,600.00  
Lamote's Auto Center, Repairs and Maintenance, \$1,864.00  
Lighting Maintenance Co, Repairs and Maintenance, \$1,316.83  
Northwest Pipe Fittings Inc, Supplies, \$348.00  
Petty Cash, Supplies, \$326.77  
Pitney Bowes, Supplies, \$500.00  
Power House, \$99.72  
Sander Sanitation, Garbage Collection Contract, \$13,422.54  
SDML, Conference, \$30.00  
SD Retirement System, \$6,585.96  
Stansbury, Lance, Reimbursement, \$124.99  
Supplemental Retirement, \$620.00  
Wellmark, Insurance, \$11,519.05  
WesDak Welding & Diesel LLC, Repair and Maintenance, \$230.00  
Mayor & Council, \$4,400.00  
Finance Department, \$5,767.71  
Public Buildings, \$2,778.41  
Planning Department, \$6,953.98  
Public Works Department, \$3,210.42  
Street Department, \$10,665.02  
Cruisin Department, \$85.59  
Parks Department, \$3,633.44  
Water Department, \$12,050.28  
Wastewater Department, \$11,772.57  
Total Claims, \$137,420.67

